

Filed for intro on 02/15/2001
SENATE BILL 1138 By
Herron

HOUSE BILL 1761
By Sands

AN ACT to amend Tennessee Code Annotated, Title 40; Title 57
and Title 67, relative to alcohol and drug treatment
programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-36-106, is amended by adding
the following language as a new subsection to be designated as follows:

(g) Notwithstanding any other law to the contrary, persons who are convicted of,
or pled guilty to, alcohol or drug related felony offenses, who meet the criteria of this
section and whose conviction, in the court's opinion, is substantially related to such
persons' habitual abuse of alcohol or drugs, shall be sentenced under this chapter and
shall be required to complete alcohol or other drug dependency treatment under the
court's supervision.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 36, Part 3, is amended by
adding the following as a new, appropriately designated section:

Section 40-36-307. In addition to the funding and fees otherwise provided for in
this part, state funding shall be available to entities eligible for, under this part, direct
financial aid to secure, expand or enhance local alcohol or other drug dependency

treatment programs for offenders sentenced under this chapter. For purposes of this part, "alcohol or other drug dependency treatment programs" means programs that are certified or approved by, or provided by providers who are licensed by, the department of mental health and developmental disabilities.

SECTION 3. Tennessee Code Annotated, Section 57-3-301(b), is amended by adding the following language at the end of such subsection as a new, appropriately designated subdivision as follows:

(4) In addition to the tax imposed by subdivisions (1), (2), and (3) of this subsection, there is also imposed the following, which shall be allocated to the state community corrections advisory fund for the purpose of providing alcohol or other drug dependency programs as authorized pursuant to title 40, chapter 36:

(A) A tax of ten dollars (\$10.00) per annum upon each brand of distilled spirits sold in this state for which actual wholesale sales during the twelve (12) months immediately preceding May 22, 1979, were fifty (50) cases or more;

(B) A tax of five dollars (\$5.00) per annum upon each brand of distilled spirits sold in this state for which actual wholesale sales during the twelve (12) months immediately preceding May 22, 1979, were less than fifty (50) cases; and

(C) An annual tax of ten dollars (\$10.00) for each brand of wine sold in this state for which actual wholesale sales during the year immediately preceding any tax year were two hundred fifty (250) cases or more.

SECTION 4. Tennessee Code Annotated, Section 57-4-301(c), is amended by deleting the language "fifteen percent (15%)" and by substituting instead the language "sixteen percent (16%)".

SECTION 5. Tennessee Code Annotated, Section 57-4-301(c), is further amended by adding the following as a new sentence at the end of such subsection:

One percent (1%) of the tax levied pursuant to this subsection shall be allocated to the state community corrections advisory fund for the purpose of providing alcohol or other drug dependency treatment programs as authorized pursuant to title 40, chapter 36.

SECTION 6. Tennessee Code Annotated, Section 57-5-201, is amended by deleting the language "three dollars and ninety cents (\$3.90)" in subsection (a)(1) and by substituting instead the language "three dollars and ninety five cents (\$3.95)".

SECTION 7. Tennessee Code Annotated, Section 57-5-201, is further amended by adding the following language at the end of subdivision (a)(2) after the language "were spent.":

Any revenue generated from the increase in tax rates from three dollars and ninety cents (\$3.90) to three dollars and ninety five cents (\$3.95) shall be allocated to the state community corrections advisory fund for the purpose of providing alcohol or other drug dependency treatment programs as authorized pursuant to title 40, chapter 36.

SECTION 8.

(a) A fund is hereby created in a separate account in the state general fund to be known as the "state community corrections advisory fund", hereinafter referred to in this part as the "fund".

(b) Moneys in the fund shall be earmarked for use by community corrections boards and private agencies and shall be expended in accordance with the provisions of this act and the requirements of title 40, chapter 36, to secure, expand or enhance alcohol or other drug dependency treatment programs.

(c) Any fund balance remaining unexpended at the end of a fiscal year in the fund shall be carried forward into the subsequent year.

(d) Interest accruing on investments and deposits of the fund shall be carried forward into the subsequent fiscal year.

(e) Moneys in the fund shall be invested by the state treasurer in accordance with the provisions of § 9-4-603. The fund shall be administered by the commissioner of correction.

SECTION 9. This act shall apply to any person sentenced after the effective date of this act.

SECTION 10. This act shall take effect on July 1, 2001, the public welfare requiring it.